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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,702	08/14/2006	Frank Hondmann	2002P01437WOUS	4817

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EXAMINER

LETTMAN, BRYAN MATTHEW

ART UNIT	PAPER NUMBER
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4117

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,702	HONDMANN ET AL.	
	Examiner	Art Unit	
	Bryan Lettman	4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050616</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “5” has been used to designate a fixing means, ribs, struts, grooves, housing and fixtures.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 13.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The description of the drawings designates the same reference number, 5, for different parts as detailed above. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by the limitation "fixture means."

The examiner notes that it is assumed this limitation refers to a means, consistent with the specification, for fixing technical components to the seating arrangement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by
European Patent Publication 0 722 070 to Pettinari.**

Pettinari discloses a ventilator housing comprising:

at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board that is formed integrally with the ventilator housing (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler, in view of German Patent 200 15 726 U1 to ebm Werke GmbH & Co. KG.

Referring to claim 13, Winkler teaches a ventilator comprising:

at least one seat arrangement (98);

said seat arrangement (98) including a plurality of fixture devices (102) for the detachable fixture of a plurality of technical components (94 and 96) for operating the ventilator.

Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. The '726 patent teaches a ventilator housing wherein:

a fixture device (6) includes a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing said components in said grooves (8).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler with the housing taught by the '726 patent in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing.

Referring to claim 14, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

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said seat arrangement (98) is constructed integrally with the ventilator housing (22).

Referring to claim 15, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is arranged on the exterior of the ventilator housing (22) (fig. 3).

Referring to claim 16, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes fixing means (102) for securing said technical components (94 and 96).

Referring to claim 17, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said technical components (94 and 96) are secured in said seat arrangement (89) by positive (102) and non-positive (fig. 5) locking means.

Referring to claim 18, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a cover closure element (100 and 142) for closing said seat arrangement (98).

Referring to claim 19, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement has at least one opening (fig. 3) to allow a cable (92) to pass therethrough.

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Referring to claim 21, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing including:

at least one of a condenser, a mains connector, a printed circuit board (90) or at least one control board detachably secured to said seat arrangement (98).

Referring to claim 22, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing further comprising:

a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires (92) for connecting said technical components (94 and 96) to each other.

Referring to claim 23, Winkler and the '726 patent teach all the limitations of claim 13 as explained above, but Winkler does not teach the use of the housing in an extraction hood. The '726 patent further teaches a housing wherein:

the ventilator housing (2) is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (page 1, paragraph 1).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler with the housing taught by the '726 patent, in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing, and to maximize the applications the blower housing can be used with.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winkler and the '726 patent as applied to claim 13 above, and further in view of U.S. Patent 6,354,287 to Kudoh.

Winkler and the '726 patent teach all the limitations of claim 13 as explained above, but does not teach a mechanism for relieving strain on said cable. Kudoh teaches a blower housing comprising:

at least one seat arrangement (4 and 7) having at least one mechanism (21a) for strain relief of a cable.

It would be obvious to one of skill in the art, at the time of invention, to modify the housings taught by Winkler and the '726 patent, with the housing taught by Kudoh in order to economically support and seal the cable passing through the wall of said seating arrangement and thereby reduce the cost of manufacturing.

Conclusion

The prior art made of record, but not relied upon, is considered pertinent to applicant's disclosure and are listed on the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Lettman whose telephone number is (571) 270-7860. The examiner can normally be reached on Monday - Thursday between 9:00 am and 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naeem Haq can be reached on (571) 272-6758. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan Lettman/
Examiner, Art Unit 4117

/CHARLES A. FOX/
Primary Examiner, Art Unit 3652